RECENT CASES.

BANKRUPTCY—JURISDICTION—SUITS BY TRUSTEE—IN RE HAMMOND, 98 Fed. 845.—Within four months of filing of petition in bankruptcy, a creditor attached property of bankrupt's wife, she not having filed certificate making her a feme sole trader. The trustee in bankruptcy instituted proceedings for the recovery of said property. *Held*, that it was within the jurisdiction of the District Court to compel such surrender.

As the attachment was in connection with proceedings in bankruptcy, the presumption would be in favor of Federal Court jurisdiction under the act of '98, and the weight of authority seems to sustain the decision reached. *In re Francis-Valentine Co.*, 94 Fed. 793. The attachment was through the State Courts, and hence there may be grounds for disputing the jurisdiction of the District Court, as was held in the majority opinion of *In re Abraham*, 93 Fed. 767.

BANKRUPTCY—JURISDICTION—SUITS BY TRUSTEES, 99 Fed. 546.—The trustee in bankruptcy brought a bill in equity to set aside a sale of goods to the defendants, as being fraudulent to creditors. The suit was brought in the District Court, and, relying upon a clause in the Banks Act, 1898, § 23 b, providing that "suits by the trustee shall only be brought in the courts where the bankrupt might have brought them," the respondents demurred to the bill on the ground that the District Court lacked jurisdiction. *Held*, that the court had jurisdiction.

The decisions of the courts upon this question have been far from uniform. The section of the Banks Act quoted above, however, was simply a limitation of the jurisdiction of the Circuit Courts. It does not affect the jurisdiction in bankruptcy conferred upon the District Court in other clauses of the Act. *In re Sievers*, 91 Fed. 366; *Carter* v. *Hobbs*, 92 Fed. 594. As regards State courts, this decision is not to be taken as a limitation of their jurisdiction in suits brought by trustees in bankruptcy, but the court taking cognizance of the case first shall have final and conclusive disposition of it. *Woolridge* v. *McKenna*, 8 Fed. 650; *In re Bruss, Ritter Co.*, 1 Nat. Banks, N. 58, 90 Fed. 651.

CARRIERS—BAGGAGE—COMMERCIAL TRAVELER—SAMPLES—EXTRA COMPENSATION—TRIMBLE V. NEW YORK CENT. AND H. R. R. CO., 56 N. E. 532 (N. Y.). —*Held*, that where a baggageman received a trunk from a traveling salesman for transportation, making extra charge for overweight, the company could not escape liability for its loss on the ground that the baggageman had no authority to check the baggage in violation of a rule of the company against checking baggage of this class without the signing of a release of liability by the shipper. Parker, C. J., and O'Brien and Landon, J. J., dissenting.

The question raised in this case is, whether the baggageman had knowledge of the contents of the trunk when he checked it. Since he asked no questions the presumption is against him. If anything is delivered to a person to be carried it is the duty of the person receiving it to ask such questions about it as may be necessary, or he is bound to carry the parcel as it is. *Walker* v. *Jackson*, 10 M. & W. 168. O'Brien, J., in a dissenting opinion, holds that the baggageman had no knowledge of the contents of the trunk, except from its appearance, which does not constitute knowledge, and therefore the company should not be held liable.